

REMARKS

Claims 1-112 are pending in the application.

Claims 1-4, 16, 31, 35-45, 66, 67, 72-77, 87 and 100-103 stand rejected.

Claims 5-15, 17-30, 32-34, 46-65, 68-71, 78-86, 88-99, and 104-112 stand objected to.

Claims 1, 4, 16, 31, and 35 have been amended.

Claims 2-3 have been cancelled.

Rejection of Claims under 35 U.S.C. §102

Claims 1-4, 16, 31, 35-45, 66, 67, 72-77, 87 and 100-103 stand rejected under 35 U.S.C. § 102(e) as purportedly being anticipated by Brown, et al., U.S. Patent No. 7,103,420 (Brown).

While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants therefore respectfully reserve the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As to the limitation of:

“

An apparatus comprising a communications device comprising:

a subsystem; and

a logging module, coupled to said subsystem, and configured to

detect a change to a configuration of said subsystem of said

communications device, and

communicate information regarding a said change to a said configuration

of a said subsystem of said communications device.

”

Brown teaches:

“When this change occurred, the device would transmit the change to the state manager. This change in status would be stored as the current status of the device. For each device, the storage location would contain a current status and a set of past statuses such the owner of the facility or any authorized user could view the activity history of a device...” (Brown 4: 12-15)

Brown and the claimed invention are geared towards the two distinct objectives. Brown teaches an automation device monitoring each status change of every device in the system. More particularly, upon communicating device status change information to a centralized storage location, the Brown system initiates the workflow routine if the prerequisite conditions for the workflow have been met. (Brown 4: 24-27)

In contrast, the claimed invention teaches a communications device comprising a logging module detecting a change to a configuration of a subsystem, all of which are

comprised in the communications device. In further contrast, claim 1 recites the logging module as being coupled to the subsystem. Furthermore, it is the logging module that detects and communicates a change to a configuration of the subsystem of the claimed invention.

For example, the portion of Brown cited as teaching

An apparatus comprising a communications device comprising:

a subsystem; and

a logging module, coupled to said subsystem, and configured to

detect a change to a configuration of said subsystem of said

communications device, and

communicate information regarding a said change to said configuration of

said subsystem of said communications device.

reads as follows:

“... ”

The present invention provides a method and system to monitor the statuses of devices that can operate and transmit current device status information to a storage location. In this system, there is a can be a central storage location of the status of all designated device attributes of a device including the past state history of the device. The storage location can also be distributed and in one or more remote locations. Each device on the system will transmit a state change notification to the central location each time the status of the device changes. This status change will be recorded in the location storage. The present invention provides for the creation of sets of instructions to enable the initiation of operations by devices in response to a set of current statuses of one or more devices. Each workflow routine will be based on a set device statuses. This set of device statuses can be referred as a device scenario. When a status of a device changes, there will be check of the statuses of the devices in the scenario to determine if the scenario conditions for the workflow have been met. When the conditions have been met, the workflow routine will be initiated and perform a set of instructions which could lead to the initiating of some activity by one or more devices in the network

...” (Brown, Abstract)

Brown's FIG. 1 illustrates the Brown system configuration. Brown's FIG. 1 discloses several lines, NIU boxes, an input medium using radio frequencies, and the state manager 18 for capturing the status information for the various devices in the system. However, Brown fails to disclose a communications device comprising a subsystem and a logging module coupled to the subsystem. Brown neither discloses elements of the claimed invention nor discloses arrangement of the elements as required by claim 1.

One reason Brown does not disclose all of the elements of the claimed invention, (the communications device, the subsystem and the logging module) is that since Brown requires each task to send the status change updates to a central storage location, Brown does not need anything even comparable to the claimed elements arranged in the claimed manner. Since Brown fails disclose or suggest the aforementioned elements of the claimed invention, Brown cannot teach any arrangement of the elements either that required by claim 1 (a communications device comprising a subsystem and a logging module, in which the logging module is coupled to the subsystem) or otherwise.

MPEP §2131 makes clear the requirements for anticipation:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). (Emphasis added)

Thus, in addition to showing every element, the reference must teach their arrangement as required by the claim, and Brown does not teach the claimed architecture

of the claimed invention as illustrated in FIG 1. FIG. 1 of the present application presents a communications device which subsumes a subsystem and a logging module, in which the logging module is coupled to subsystem, and as such are the sub-elements of the communication device.

For the foregoing reasons, Applicants respectfully submit that Brown fails to teach a communications device comprising a logging module coupled with the subsystem and detecting a change to a configuration of a subsystem of the communications device. Thus, Applicants respectfully submit that claim 1, 41, 74, 87, and 100, as well as claims dependent upon them are in condition for allowance. Applicants therefore request the withdrawal of the rejections to those claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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